



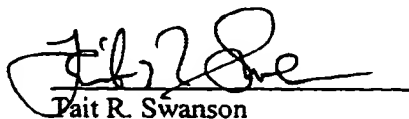
(A) *All* final rejections setting a 3-month shortened statutory period (SSP) for reply should contain one of form paragraphs 7.39, 7.40, 7.40.01, 7.41, 7.41.03, or 7.42.09 advising applicant that if the reply is filed within 2 months of the date of the final Office action, *the shortened statutory period will expire at 3 months from the date of the final rejection or on the date the advisory action is mailed, whichever is later.*

M.P.E.P. § 706.07(f) (A) (*emphasis added*); see also M.P.E.P. § 706.07(f) (D) & (F). In this case, the Applicant filed the Response to Final Office Action on April 13, 2004, which was clearly *within 2 months* of the Final Office Action mailed February 13, 2004. At this time, it is five months after the Final Office Action and the Examiner has not mailed an Advisory Action, a Notice of Allowance, or any other Action. Accordingly, if the Patent Office mails a Notice of Allowance, then no extension of time will be necessary. Alternatively, if the Patent Office mails an Advisory Action indicating that the application is not in condition for allowance, then the shortened statutory period *must* expire on the *mailing date* of such an Advisory Action. Based on the latter scenario, the shortened statutory period has not yet expired for the present case, because the Patent Office has not yet mailed an Advisory Action. For this reason, the Applicant stresses that no extension fees are due in either scenario.

In accordance with 37 C.F.R. § 1.136, Applicant hereby provides a general authorization to treat this and any future reply *requiring* an extension of time as incorporating a request therefor. Therefore, if a one-month or two-month extension of time is deemed *necessary* in spite of the foregoing remarks, Applicant authorizes the Commissioner to charge the appropriate fee for such an extension of time to Deposit Account No. 07-0845; Order No. 15-EC-5764/YOD/SWA (GEMS:0123).

Respectfully submitted,

Date: July 13, 2004

  
Pait R. Swanson  
Reg. No. 48,226  
FLETCHER YODER  
P.O. Box 692289  
Houston, TX 77269-2289  
(281) 970-4545